

PTO/SB/44 (07-05)
 ADDRESSEE FOR USE FROM 07/01/2008 CHG 0021-0031
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
 Under the Patent Act of 1952, no petition may be filed to revive an abandoned application unless it is shown that the applicant exercised due diligence.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 212407-00231
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First named inventor: John Katten

Application No.: 09941371 Art Unit: 3634

Filed: August 28, 2001 Examiner: Fred, Eric M.

Title: Phase Modulation Power Spreading used to Reduce RF or Microwave Transmitter Output Power Spur Levels

Agency: Office of Patents
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1460
 Alexandria, VA 22313-1460
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Patents Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of amendment (quantify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____

☒ is enclosed herewith.

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The contents of information is required by 37 CFR 1.137(c). The information is required to obtain or regain a benefit by the patent which is to be used by the USPTO to prepare an application. Confidentiality is governed by 35 U.S.C. 135 and 37 CFR 1.11 and 1.14. The contents of information is required to have 1.4 year to complete, including drawing, preparing, and including the complete application form to the USPTO. Time will vary depending upon the respective case. Any comments on the status of this request to complete the form must be submitted to the USPTO. Please send all correspondence to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-6180 and select option 2.

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PTO/SB/04 (07-05)
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 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Under the Privacy Regulation Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility patent application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/03).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. **NOTE:** The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (I)(C) and (D)).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

John S. Paragone
 Signature

October 10, 2005
 Date

John S. Paragone
 Typed or printed name

31.051
 Registration Number, if applicable

525 West Madison Street
 Address

(312) 922-5200
 Telephone Number

Chicago, Illinois 60661-5002
 Address

- Enclosures: ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Patent, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 10, 2005
 Date

Shirley A. Wiggins
 Signature

Shirley A. Wiggins
 Typed or printed name of person signing certificate

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